

Message Text

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11

ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

 DOTE-00 INR-07 NSAE-00 FAA-00 L-02 /031 W

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R 161715Z MAY 75

FM AMEMBASSY DUBLIN

TO SECSTATE WASHDC 6789

INFO AMEMBASSY LONDON

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E.O. 11652: N/A

TAGS: EAIR XG EI

SUBJECT: CIVAIR - PAN AM COMMISSION

REF: STATE 109664

1. WE HAVE INFORMALLY DISCUSSED PAN AM COMMISSION RATES ISSUE WITH CON MCGOVERN, PAN AM MANAGER FOR IRELAND. MCGOVERN GAVE US COPY OF CIRCULAR LETTER DATED MAY 9 HE HAD RECEIVED FROM CIVIL AVIATION DIVISION OF DEPARTMENT OF TRANSPORT AND POWER. LETTER STATES THAT, PURSUANT TO IATA RESOLUTIONS, NEW COMMISSION IS 7.5 PERCENT AS OF MAY 1, 1975, BUT IT IS UNCLEAR AS TO WHETHER IRISH GOVERNMENT INTENDS TO ATTEMPT TO ENFORCE NEW RATE. OPERATIVE PARAGAPH OF LETTER IS AS FOLLOWS:

"ARISING OUT OF THE SUBSEQUENT REVISION OF CERTAIN PARTS OF THE RELEVANT IATA RESOLUTIONS THE MINISTER HAS DECIDED THAT IATA RESOLUTIONS 810A, 820 AND 810E SHALL CONTINUE TO FORM PART OF THE CONDITIONS SUBJECT TO WHICH SCHEDULED FARES WERE APPROVED. THEY SHALL REMAIN UNCHANGED EXCEPT THAT THE RATE OF COMMISSION SHALL BE INCREASED FROM 7 PERCENT TO 7 1/2 PERCENT WITH EFFECT FROM 1ST MAY, 1975."

2. CGOVERN IMMEDIATELY TOOK MAY 9 LETTER TO PAN AM'S DUBLIN ATTORNEY AND ASKED FOR OPINION AS TO LEGAL EFFECT. MCGOVERN HAS JUST RECEIVED FOUR PAGE REPLY FROM ATTORNEY WHICH CONCLUDES THAT

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IT NOT CLEAR WHETHER 7.5 PERCENT COMMISSION RATE IS LEGALLY EN-

FORCEABLE BY IRISH AUTHORITIES. APPARENTLY, IRISH LAW IS NOT CLEAR ON THIS POINT AND THERE IS DOUBT AS TO WHETHER COMMISSION RATE CAN LEGALLY BE REGARDED AS PART OF FARE STRUCTURE AND THUS ENFORCEABLE. IT IS UNLIKELY UNDER PRESENT CIRCUMSTANCES THAT A CLEAR LEGAL RULING CAN OBTAINED IN THE ABSENCE OF LITIGATION.

3. IN ANY EVENT, ISSUE IN IRELAND IS NOT MAJOR ONE INASMUCH AS PAN AM DOES NOT PROVIDE SCHEDULED SERVICES TO IRELAND AND ITS SALES VOLUME IS MODEST.
REND AHL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
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Concepts: RESOLUTIONS, AIR FARES, AVIATION AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 16 MAY 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: KelleyW0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975DUBLIN00876
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750173-1005
From: DUBLIN
Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1975/newtext/t19750541/aaaabkys.tel
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Margaret P. Grafeld
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To: STATE
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